

## BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: June 21, 2006

Division: Growth Management

Bulk Item: X No       

Department: Planning & Env. Resources

**AGENDA ITEM WORDING:** A request for the refunding of the application fees of \$18,055.00 for a project that did not go forward.

**ITEM BACKGROUND:** The Craig Company submitted an application for the redevelopment of the property at Mile Marker 70 known as SeaGlass. Staff researched the project and determined the project would not be viable as presented. The applicant has withdrawn his application to make changes to the project and is requesting a refund of the \$18,055.00 submittal fee. Staff is requesting that 10% of the fees be retained for the research Staff conducted to determine the viability of the project. The refund total would be \$16,250.00.

**PREVIOUS RELEVANT BOCC ACTION:** None

**CONTRACT/AGREEMENT CHANGES:** None

**STAFF RECOMMENDATIONS:** Approval

**TOTAL COST:** \$16,250.00      **BUDGETED:** Yes ☐ No ☒

**COST TO COUNTY:** \$16,250.00

REVENUE PRODUCING: Yes \_\_\_ No X AMOUNT PER MONTH\_\_\_ Year

**APPROVED BY:** County Atty X OMB/Purchasing      Risk Management     

**DIVISION DIRECTOR APPROVAL:** TJS 6/6/2-6  
Ty Symroski, Director of Growth Management

**DOCUMENTATION:** Included  X  To Follow   Not Required

**DISPOSITION:** \_\_\_\_\_ **AGENDA ITEM #** \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_-2006

**A RESOLUTION TO REFUND THE APPLICATION SUBMISSION  
FEES OF \$18,055.00, TO THE CRAIG COMPANY FOR A PROJECT  
THAT HAS BEEN WITHDRAWN BY THE APPLICANT.**

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WHEREAS, on February 22, 2006, the Craig Company submitted on behalf of their client, SeaGlass, an application for a rezoning and project development for a property at Mile Marker 70; and

WHEREAS, the project application with documentation was taken in and the submission fees of \$18,055.00 were deposited; and

WHEREAS, staff proceeded with the project by doing the initial research for the request however it was determined the project as presented would not comply with the 2010 Comprehensive Plan; and

WHEREAS, upon hearing from the Planning department that the project as presented was not viable, the Craig Company requested the refund on behalf of his client so the project could be brought into compliance.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Upon completion of the initial review of the project, Staff informed the applicant the project would need to be redone. The applicant requested a full refund of the submission fees. Staff feels that due to the research done on the project that 10% of the submission fees should be retained to cover the cost of the time spent by Staff to research the project, with 90% of the submission to be refunded to the applicant in the amount of \$16,250.00.

PASSED AND ADOPTED at a regular meeting of the Board of County Commissioners of Monroe County, Florida held on the 21st day of June, 2006.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem Dixie M. Spear  
Commissioner Glenn Patton  
Commissioner George Nugent  
Commissioner David Rice

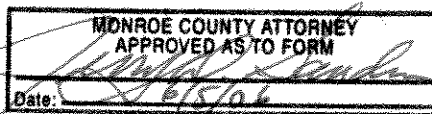
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Board of County Commissioners  
of Monroe County, Florida

By: \_\_\_\_\_  
Mayor Charles "Sonny" McCoy

Attest: Danny L. Kolhage

By: \_\_\_\_\_  
Deputy Clerk





APPROVAL FOR REFUND IN THE AMOUNT OF

\$ \_\_\_\_\_ THIS  
DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
COUNTY ADMINISTRATOR

REQUISITION FOR REFUND FROM COUNTY TREASURY

STATE OF FLORIDA, COUNTY OF MONROE  
PURSUANT TO SECTION 193.40, FLORIDA STATUTES,

The Craig Company OF Post Office Box 970, Key West, Florida 33043-0970  
(PAYEE) (MAILING ADDRESS/P.O.BOX#)

HEREBY MAKES APPLICATION TO THE BOARD OF COUNTY COMMISSIONER FOR A REFUND

OF \$ 18,055.00 OF MONEYS PAID TO THE COUNTY, AND AS GROUNDS THEREFORE  
SET UP THE FOLLOWING FACTS: (STATE REASONS FOR REFUND)

An application for a proposed resort at Mile Marker 70, known as SeaGlass was submitted to our department. This application was later deemed incomplete and the applicant is requesting a refund as a new approach to the project will be looked for.

Our department feels the request should be granted as the applicant will now have to redo and resubmit a new application for the new project.

Joe Paskalik  
BUILDING OFFICIAL

ATTACHED HERETO IS ADDITIONAL PROOF TO ESTABLISH SUCH CLAIM, AS FOLLOWS:

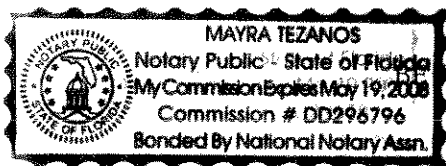
STATE OF FLORIDA  
COUNTY OF MONROE

SWORN AND SUBSCRIBED BEFORE ME THIS 11th DAY OF May, 2006

BY Joe Paskalik, Building Official

\_\_\_\_\_  
MY COMMISSION EXPIRES:

Mayra Tezanos  
SIGNATURE OF NOTARY PUBLIC - STATE OF FLORIDA



PAID FROM ACCT: \_\_\_\_\_

MONROE COUNTY \*\*\*LIVE\*\*\*

Page 1 of 1

MISCELLANEOUS RECEIPT

RECEIPT # : 82477  
 RECEIPT DATE : 02/22/2006  
 PRINT DATE : 05/11/2006  
 PRINT TIME : 14:43:39  
 OPERATOR : tedescod  
 COPY # : 2

RECEIVED BY : tuckerm  
 REC'D. FROM : MM70,LLC  
 UDF 106.1 :  
 UDF 106.2 :  
 CASH DRAWER: 2

NOTES : REZONING - SEA GLASS RESIDENTIAL MAP AMENDMENT

FEE ID	AMOUNT	THIS RCPT	BALANCE
ZONING-024	18055.00	18055.00	0.00
TOTALS:	18055.00	18055.00	0.00

METHOD OF PAYMENT	AMOUNT	NUMBER
CHECK	18055.00	604
TOTAL RECEIPT :	18055.00	

Client # SeaGlass - Fiesta Key

**VIA E-Mail and US Mail**

March 24, 2006

Mr. Aref Joulani, Director of Planning  
Monroe County  
2798 Overseas Highway  
Marathon, Florida 33050

FYI  
*The Craig Company*

Comprehensive Planning  
Resort/Tourism Planning  
Land Use Regulation  
Development Feasibility  
Site Design  
Expert Witness

Mailing address: P. O. Box 970  
Key West, FL 33041-0372

Office location: 600 White St.  
Key West, FL 33040

Phone: 305/294-1515  
Fax: 305/292-1525  
E-mail: don@craigcompany.com

Subject: SeaGlass Resort – Withdrawal of Application

Dear Aref:

This letter will serve as a request for withdrawal of the previously submitted application for the approval of the proposed SeaGlass resort at mile marker 70 in Monroe County. The reason for this action is the uncertainty created by your department as to the method, timing and development standards to be applied to the approval of the project as communicated to me in your recent e-mails, staff telephone calls to me and your interpretation of how the Land Development Regulations apply to the proposal.

The requirement for a pre- application meeting determined by you to be required, when the code clearly states that such meetings are a voluntary step by the landowner/applicant has created in my client great uncertainty as to whether the County would expeditiously review, or support at all, the project and under what circumstances.

The prospect of many months being required to identify methods for approval is too daunting an exercise for my client. He would rather consider some other use or design for the property, which has fewer concerns for County staff, and requests that his application and fees be returned as quickly as possible.

Should you have any questions, please call me.

Very truly yours,



Donald L. Craig, AICP

DLC/jr

cc: Tom Willi, County Administrator